IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION CIVIL NO. 3:06CV96-H

VERNON SMITH,)	
)	
Plaintiff,)	
)	
v.)	CONSENT O R D E R
)	
JO ANNE B. BARNHART,)	
Commissioner of Social Security,)	
)	
Defendant.)	

THIS MATTER is before the Court on Plaintiff's "Petition For Attorney's Fee and Costs" filed on May 15, 2006 (document #9). By Response, filed on May 24, 2006, Defendant advises that the Commissioner will not oppose an award of legal fees in the amount of \$1,645.00 (\$1395.00 in attorney's fees and \$250.00 in filing fees), provided this is the only petition filed by Plaintiff in this case under 28 U.S.C. § 2412(d). Defendant further advises that plaintiff's counsel consents.

NOW THEREFORE, IT IS ORDERED:

- 1. Plaintiff's 'Petition For Attorney's Fees And Costs' (document #9) is **GRANTED**, that is, counsel for Plaintiff shall be paid the sum of \$1,645.00 (\$1395.00 in attorney's fees and \$250.00 in filing fees).
 - 2. No additional petition pursuant to 28 U.S.C. § 2412(d) shall be filed.
 - 3. The Clerk is directed to serve copies of this Order to counsel for the parties.

SO ORDERED.

Carl Horn, III

United States Magistrate Judge

Carl Hom, III

Signed: May 24, 2006

